

## Ex-House leaders lobby for Japan v. U.S. vets

By [Melanie Fonder](#)

After surviving the Bataan Death March, Lester Tenney was sent in a "hell ship" to Japan where he spent the next two years in a Mitsui coal mine working more than 12 hours a day on meager rations of rice and water.

In 1999, Tenney was the first former prisoner-of-war to sue Mitsui on the basis of a newly enacted California statute. But the U.S. State and Justice departments blocked the move.



[PATRICK G. RYAN](#)

*Bob Michel*

"They know that they tortured us; they know that they imprisoned us; they know that they killed us," Tenney said in a telephone interview. "They're going to try to pull all the stops out to try and make people believe something in the treaty."

Some 50 years later, a politically savvy team is working on behalf of the Japanese government and the companies implicated in those atrocities.

The lobbyists include such Washington heavyweights as former House Speaker Tom Foley (D-Wash.), who later served as President Clinton's ambassador to Tokyo, and former House Republican leader Robert Michel (R-Ill.).

Foley, now a lobbyist at Akin Gump Strauss Hauer and Feld, and Michel, now a lobbyist with Hogan and Hartson, failed to return requests for comment.

"We've got some very powerful enemies who are working against us behind closed doors," said Rep. Dana Rohrabacher (R-Calif.), a leading co-sponsor of a bill aimed at aiding the POWs. "I'm confident that this is a major fight and we're going to need to mobilize voters."

But another lawyer working on behalf of the Japanese noted that 180,000 former POWs, including Tenney, were already granted compensation in the years immediately following World War II.

"Everyone sympathizes with the dedication and contribution that these POWs made and to their pain and sacrifice," the attorney said. "However, their mission is misguided."

He added: "I think that these brave soldiers didn't fight for the right to have class-action lawyers bring lawsuits on their behalf 50 years later."

Last week, the former POWs won a major victory when the House voted, 395-33, to bar the U.S. government from seeking to prevent them from pursuing their civil suits. The prohibition came in the form of an amendment offered by Rohrabacher to an annual appropriations bill.

Rohrabacher and Rep. Michael Honda (D-Calif.) have introduced another measure seeking a permanent ban that has already attracted 150 co-sponsors.

The legal case turns on the interpretation of the San Francisco Peace Treaty, which the United States and Japan signed in 1951.

The U.S. government and the Japanese firms point to a clause in the treaty that cuts off any further claims.

But the former POWs point to a most-favored-nation clause in the treaty, which they say makes them eligible to sue. They claim that 11 other countries enjoy such an advantage, a point the defenders of the Japanese position dispute.

Michel is a World War II veteran and the recipient of the Presidential Medal of Freedom and the Veterans of Foreign Wars (VFW) Congressional Award. That makes it even harder for many of his fellow veterans to comprehend his involvement in the case.

During the war, Michel served in France, England, Belgium and Germany, returning home with two Bronze Stars, a Purple Heart and four battle ribbons.

Foley has also served on the board of the Japan-America Society of Washington. In 1996, Japan gave him the Grand Cordon of the Order of the Rising Sun that recognizes his role in furthering good relations between the United States and Japan.

Rohrabacher said he was "surprised and disheartened" when he learned about Michel's role, saying it "speaks very poorly of Bob Michel." Honda added that, "One would think he would be more open to the plight of the POWs."

Frank Bigelow, a former POW who also worked in the Mitsui mining camp, was forced to have his leg amputated with no anesthesia by fellow POWs when an injury became infected.

"Well, for money some people will do anything and that's all I can say about that," Bigelow said of Michel, but added that the victory in the House last week was the "best thing that's happened in a long time."

Harold Poole, another former POW who spent three years enslaved and working for the Nippon Steel Corp. said he would "prefer" Michel not lobby against his fellow veterans. "Maybe he has his reason," Poole offered. "My main purpose is to have justice served and to have history served. I'm not that concerned about the money."

Ray Smith, national commander for the 2.8 million-member American Legion, which strongly supported Michel while he was a member of the House, would not comment on Michel's actions.

"I think it's time that there be closure to this for these people," Smith said. "There's two different sides to everything and we just happen to be on the opposite side. We think it's time to give justice to those prisoners of war and I think Japan owes an apology to those people."

While he was heartened by the House vote, Tenney said he feared the Bush administration was hesitant in supporting the POWs in fear of harming U.S.-Japanese relations.

But Honda said he believed the opposite would happen.

"This is not going to affect our partnership with them," Honda added, "If anything, when you patch things up, it's only going to make things better."

Bigelow, the former POW, said even though he suspected the U.S. government does not want to "upset" Japan, the sacrifices made by former POWs should take higher priority.

"I would think the president, with his father being in the service like he was, and his being in the service. ... I would tell them to look at our history and look at what we did and what was done to us," he said.

Bigelow added that in a recent meeting between veterans and Secretary of Veterans' Affairs Anthony Principi, he was supportive and promised to speak to Bush about their cause.

As Tenney put it last year: "Here we are, 58 years later, survivors of these barbaric and sadistic events, and we are once again informed that we are again being sacrificed and abandoned by our own government — but this time not for the war effort, but instead for the benefit of those large Japanese industrial giants who profited from our slave labor."

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